

ORDINANCE NO. 13-08

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Tim Singer ON THE 20th DAY OF October, 2008.

AN ORDINANCE PROHIBITING THE USE OF ENGINE BRAKES WITHIN THE CITY OF CENTERVILLE.

WHEREAS, citizens of the City of Centerville have expressed concerns regarding the use of engine brakes by commercial vehicles and trucks within the City; and

WHEREAS, the practice of engine braking by commercial vehicles and trucks is commonly referred to as "jake-braking"; and

WHEREAS, the Council of the City of Centerville, Ohio finds it in the best interest of the City to prohibit the use of engine braking or "jake-braking" within the City limits.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1: The Centerville Municipal Code Chapter 440.12, Use of Engine Brakes Prohibited, be adopted and is hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

CHAPTER 440.12: USE OF ENGINE BRAKES PROHIBITED

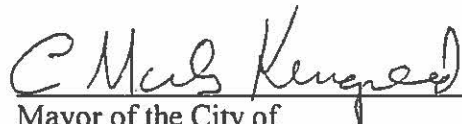
§440.12 USE OF ENGINE BRAKES PROHIBITED

- (a) *It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City of Centerville, Ohio, any dynamic braking device or any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise known as jake-braking.*

- (b) *The term "dynamic brake device" (commonly referred to by brand names such as Jacobs Brake, Jake Brake, or Dynatard brake) means an engine retarder used primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.*
- (c) *The provisions of subsection (a) above shall not be applicable when regular brakes are inadequate to control the vehicle or when used or operated or caused to be used or operated on an emergency vehicle.*
- (d) *Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.*

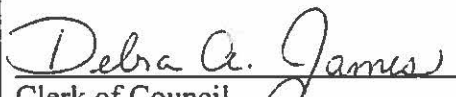
Section 2. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 20th day of October, 2008.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.

13-08, passed by the Council of the City of Centerville, Ohio on the 20th day of October, 2008.

Debra A. James
Clerk of the Council

Approved as to form, consistency with the Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney